

PATENT COOPERATION TREATY

PCT


INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 26 JAN 2006

WIPO PCT

Applicant's or agent's file reference PWO041478	FOR FURTHER ACTION See Form PCT/PEA/416	
International application No. PCT/US2004/015201	International filing date (day/month/year) 13.05.2004	Priority date (day/month/year) 13.05.2003
International Patent Classification (IPC) or national classification and IPC G11B33/04		
Applicant MEADWESTVACO CORPORATION ET AL.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 6 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 09.12.2004	Date of completion of this report 27.01.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Ressenaar, J-P Telephone No. +31 70 340-2593	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2004/015201

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

3-5	received on 17.03.2005 with letter of 15.03.2005
1, 2, 2a, 2b	received on 16.12.2005 with letter of 16.12.2005

Claims, Numbers

1-11	received on 16.12.2005 with letter of 16.12.2005
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Drawings, Sheets

1/2, 2/2	as originally filed
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- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☒ the description, pages 2,2a,2b
 - ☒ the claims, Nos. 5-8
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2004/015201

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 5-8

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 5-8

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☒ See separate sheet for further details

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
PCT/US2004/015201

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-4,9-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-4,9-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-4,9-11
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The amendments filed with the letter dated December 16, 2005 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.

The following subject-matter is not disclosed in the application as filed on July 22, 2004: a securing panel disposed between the lower tray and the back panel; and that the tray(s) can be transparent.

For these reasons the amendments filed on December 16, 2005 which are referring to the above mentioned subject-matter are not taken into account during the examination of the application.

As a consequence the claims 5 to 8 are not examined.

An opinion will be given for the remaining claims 1-4 and 9-11.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: WO 03/050812 A (SIN KAMAN ; GELARDI JOHN A (US); GIDION PETER L (US); THIBAUT RICHARD) 19 June 2003 (2003-06-19)

1. Independent claim 1.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows:

A package for holding media discs which package comprises a stack of disc-holding trays, each tray in the stack having, of itself, a hinged edge face, and the hinged edge faces of the trays in the stack being aligned with each other, so that all the hinged edge faces of the stack are substantially flush, and a single flexible hinge and connecting member permanently affixed to all the hinged edge faces, the flexible hinge and connecting member being disposed in a plane substantially containing and connecting the

flush stack of hinged edge faces, and hinging the trays together one to the next so that they can be fanned out by flexing the flexible hinge and connecting member along planes which pass between each adjacent pair of hinged edge faces, the package having a jacket, for enclosing the stack, by the jacket comprising, a front panel, spine panel and back panel hinged one to the next in series.

The subject-matter of claim 1 differs from this known D1 in that the lowermost tray of the stack is not partially attached to the back panel of the jacket and there is no connecting member between the lowermost tray and the spine of the jacket.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as attaching the lowermost tray to a jacket in such a way that there is no stress on the spine when the trays are fanned out and the front panel of the jacket is brought in a co-planar position with the back panel of the jacket.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: none of the cited documents reveal such a method for attaching the lowermost tray to the jacket and having a connecting member between the tray and the spine for avoiding stress on the spine.

2. Dependent claims 2-4 and 9-11.

Claims 2-4 and 9-11 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

3. The features of the claims are not provided with the correct reference signs (e.g. 22 and 40) placed in parentheses (Rule 6.2(b) PCT). These reference signs refer to the features of the reference signs mentioned in D1.
